

PROB 12C
(6/16)

Report Date: October 13, 2023

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Oct 13, 2023

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Joshua Nathan McFarland Case Number: 0980 2:22CR00082-TOR-1

Address of Offender: [REDACTED] Spokane, Washington 99216

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: May 11, 2023

Original Offense: Passing of Counterfeit Currency, 18 U.S.C. § 472

Original Sentence: Prison - 1 day; Type of Supervision: Supervised Release
TSR - 12 monthsRevocation Sentence Prison- 4 months
(June 21, 2023) TSR- 32 months

Asst. U.S. Attorney: Richard Barker Date Supervision Commenced: September 30, 2023

Defense Attorney: Justin Lonergan Date Supervision Expires: May 29, 2026

PETITIONING THE COURT

To issue a warrant.

On October 4, 2023, a United States probation officer reviewed Mr. McFarland's conditions of supervised release with him. He signed his judgment acknowledging his understanding of his conditions of supervision.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Standard Condition #1: You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of release from imprisonment, unless the probation officer tells you to report to a different probation office or within a different time frame.

Supporting Evidence: It is alleged Mr. McFarland violated his terms of supervised release by failing to report to the United States Probation Office within 72 hours of being released from custody.

On September 30, 2023, Mr. McFarland was released from the Bureau of Prisons custody.

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On October 3, 2023, the undersigned attempted to make contact with Mr. McFarland to provide reporting instructions. At 9:15a.m. on that date, the undersigned called the offender's last known phone number, however, there was no answer. The undersigned left a voicemail instructing Mr. McFarland to report to the probation office that date, October 3, 2023, at 3p.m.

The undersigned officer then contacted the last known phone number for Mr. McFarland's fiancé. She confirmed that Mr. McFarland had the same number and advised that she would also relay the message to him regarding reporting to the U.S. Probation Office that date, October 3, 2023, at 3p.m.

At 2:48 p.m. Mr. McFarland's fiancé contacted the probation office and spoke with a probation clerk. She stated, "I just now got a hold of him. He is on his way there now. He may be a few minutes late."

At 3:05 p.m. Mr. McFarland's fiancé called back to the probation office and spoke with the undersigned officer. She stated "I was unable to reach him until 5 minutes before I called earlier; he is not going to be able to make it. We were not aware of when he was supposed to check in at the probation office."

Mr. McFarland failed to report on October 3, 2023, as instructed. It should be noted, he also never called himself and spoke with the United States probation officer, instead having someone else call for him.

The undersigned gave Mr. McFarland's fiancé the message that Mr. McFarland needed to report to the probation office on October 4, 2023, at 8 a.m.

- 2 **Special Condition # 5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged Mr. McFarland violated the terms of his conditions of supervised release by testing positive for cocaine on October 4, 2023.

On October 4, 2023, Mr. McFarland reported 2 hours late for his scheduled appointment. When asked if he could provide a urinalysis, he stated he needed more time. After hours of stalling, approximately 4 hours later, he submitted to a urinalysis, which returned presumptive positive for cocaine. He denied use and it was sent to the lab for confirmation. Those results are still pending.

- 3 **Special Condition # 14:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged Mr. McFarland violated the terms of his conditions of supervised release by failing to submit to urinalysis testing as directed on October 11, 2023.

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On October 11, 2023, Mr. McFarland's color was called for random urinalysis testing at Pioneer Human Services. He failed to appear for said urinalysis test.

- 4 **Special Condition # 14:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged Mr. McFarland violated the terms of his conditions of supervised release by using methamphetamine on or around October 10, 2023.

Mr. McFarland reported to the probation office as directed on October 12, 2023. A random urinalysis test was requested. During the urinalysis test, a U.S. probation officer observed what appeared to be a deception device being used by Mr. McFarland in an attempt to pass his urinalysis test. He was directed to lift up his shirt and remove the deception device and he complied. He admitted to consuming methamphetamine on or around October 10, 2023, via verbal and written statement.

An attempt to collect a valid urine sample was initiated, however, he was unable to provide at that time. A sweat patch was applied to his left arm as a result of his failure to provide a urine specimen.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/13/2023

s/Courtney Hambel

Courtney Hambel
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice
United States District Judge

October 13, 2023

Date